

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

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| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | Case No. 3:12-cr-137 (AJT) |
| |) | |
| KOLON INDUSTRIES, INC., <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

ORDER

Presently pending is Defendants' Motion for Leave to Appear Specially [Doc. No. 156] (the "Motion"), in which counsel for defendant Kolon Industries, Inc. and Kolon Corporation ("Kolon") requests permission to appear specially for the limited purpose of filing a motion to quash the purported service of the summonses on Kolon and the parties jointly request that the status conference, currently set for December 5, 2014, be vacated.


On November 17, 2014, the Court received a Notice of Service of Process upon Kolon Industries, Inc. and Kolon Corporation [Doc. No. 154], stating that the Korean Ministry of Justice had informed the United States that on October 20, 2014, it effectuated service of the summonses and the superseding indictment upon both Kolon Industries, Inc. and Kolon Corporation pursuant to the Government's MLAT request to the Republic of Korea. According to the summons, Kolon's arraignment was scheduled for November 7, 2014, or, if delivery of the summons occurred after that date, then on the fourth Friday following delivery of the summons [Doc. No. 136]. Kolon failed to appear on November 7, 2014, or seek leave to appear specially to contest jurisdiction, and the Court held a previously scheduled status conference on that date. At that status conference, the Court was informed by the United States that service of the

summons had not yet been effected and had so informed defendants' counsel, in light of which information, the Court scheduled another status conference for December 19, 2014. After receiving the government's Notice of Service of Process [Doc. No. 154], the Court scheduled a status conference for December 5, 2014 at 9:00 am. Based on these events, and upon consideration of the Motion, it is hereby

ORDERED that the request to vacate the status conference currently scheduled for December 5, 2014 be, and the same hereby is, DENIED and the status conference will take place as scheduled on Friday, December 5, 2014, at 9:00 a.m. in order for the Court to receive additional information concerning, *inter alia*, whether the Court should consider any jurisdictional challenges before or after Kolon's arraignment, including the procedural effect of Kolon's failure to appear for the arraignment scheduled on November 7, 2014, and whether any additional process will be necessary to conduct an arraignment, should the Court reject any jurisdictional challenges; and it is further

ORDERED that counsel for Kolon Industries, Inc. and Kolon Corporation is granted leave to appear specially at the status conference on December 5, 2014 for the limited purpose of responding to the Court's inquiries.

The Clerk is directed to forward copies of this Order to all counsel of record and counsel for defendant Kolon Industries, Inc. and Kolon Corporation, as reflected in the Motion [Doc. No. 156].



/s/
Anthony J. Trenga
United States District Judge

Alexandria, Virginia
December 1, 2014